THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 13875 of 2005

DATED 03..08..2005

Between:

V. Prabhkar Rao, S/o. Venkataiah,
R/o. 7-1-469, Mankamma Thota, Karimnagar District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Mulugu, Warangal District.
AND ANOTHER

.....RESPONDENTS

THE HONOURABLE SRI JUSTICE B.SUDERSHAN REDDY

AND

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.13875 OF 2005

ORAL ORDER: (per Sri BRSR,J)

This writ petition is directed against the destraint order issued in Form No.1 under Section 8 of the Revenue Recovery Act by the Mandal Revenue Inspector, Mulugu for the recovery of arrears of revenue from the petitioner towards Non-Agricultural Land Assessment Tax. The order of assessment is not before us. Learned counsel for the petitioner however contended that there is no order of assessment as such passed by any competent authority, at any rate, served on the petitioner. The submission is that in the absence of any order of assessment, no coercive steps

could have been initiated against the petitioner for recovery of arrears of amounts towards Non-Agricultural Land Assessment Tax.

The fact remains that the petitioner did not submit any application before the authority requiring him to furnish a copy of the assessment order. The petitioner is stated to have made an oral request, which we are not inclined to take into consideration.

In the circumstances, this writ petition is disposed of granting liberty to the petitioner to file an appropriate application before the authority requiring him to furnish certified copy of the order of assessment and upon such application, the same shall be furnished to the petitioner on payment of usual charges, provided an order of assessment had already been passed by the authority. That upon receiving the copy of the assessment order, if any, passed by the authority, it shall be open to the petitioner to avail such remedy as may be available to him in law. The destraint order shall not be given effect for a period of two weeks from today within which time the authorities shall furnish the certified copy of the order of destraint, if any passed, provided an application is made within one week from today.

The writ petition is accordingly disposed of. No costs.

(B.SUDERSHAN REDDY,J)

dated 03.08.2005

(RAMESH RANGANATHAN,J)

Note: Furnish CC by tomorrow

(B/o)

msv